

**Remarks**

Claims 4-16 are presently pending in the application. Claims 1-3 have been cancelled and claim 4 has been amended by rewriting the claim into independent form. Claims 6-16 have been added and are supported in the specification at least at paragraph [0024] on pages 5 and 6, and Fig. 5 having an exemplary set of consecutive time period blocks differing from one another in illumination intensity, illumination frequency or both. No new matter has been added to the application by the amendment.

***Rejection - 35 U.S.C. § 102***

The Examiner rejected claims 1 and 2 under 35 U.S.C. § 102 as being unpatentable over Choi. Claims 1 and 2 have been cancelled, thus making the rejection moot.

***Rejection - 35 U.S.C. § 103***

The Examiner rejected claim 3 under 35 U.S.C. § 103 as being unpatentable over Choi in view of Robb. Claim 3 has been cancelled, thus making the rejection moot.

***Allowable Subject Matter***

It is noted that the Examiner has objected to claims 4 and 5 as being dependent on a rejected base claim, but would be allowable if written in independent form. Claim 4 has been rewritten in independent form. Claim 5 depends on claim 4, an allowable claim. It is submitted that these claims are now allowable.

Applicants have added claims 6-16. Claim 6 recites, among other things,  
wherein power is selectively supplied to the at least one light in  
accordance with a lighting sequence comprising a plurality of time period blocks,  
wherein each time period block comprises a mode of illumination,

wherein consecutive time period blocks contain different modes of illuminations, and

wherein the modes of illumination of the consecutive time period blocks differ from one another in illumination intensity, illumination frequency or both to provide a changing sequence of illumination of the at least one light source.

This language distinguishes over Choi because Choi does not show lights with varying illumination intensity and frequency for each time interval within a lighting sequence. Choi is directed to a programmable toy vehicle 20 having headlights 81. The toy vehicle 20 is programmed to perform various stunts based on user input where each stunt has a corresponding sound and lighting sequence. Choi describes its lighting sequence only in general terms, for example in column 8, lines 19 and 20, as “light effects according to the command.” Choi does not disclose a lighting sequence with consecutive time period blocks containing different illumination intensities and/or different illumination frequencies initiated by a particular state of the vehicle. Each state change appears to have its own singular mode of illumination to provide a lighting sequence described in claim 6. Thus Choi does not disclose each and every feature of claim 6 and the above claim language distinguishes over Choi.

Choi and Robb are not properly combinable under 35 U.S.C. § 103 because Choi does not teach or suggest a lighting sequence with time period blocks containing different lighting intensities and different frequencies. Even if it were proper to combine the two references, their combination would fall short of meeting the specific structure of claim 6. Robb discloses multicolored LEDs 158, 160, each containing two diodes that are lit alone or in combination to display one of three colors. As described in column 6, lines 38-42, the diodes are green and red, displaying green and red, respectively when each diode is lit alone. When both diodes are lit, an amber color is displayed. Each color corresponds to an electronic signal that represents a condition. In one embodiment, described in column 8, lines 50-53, the three colors correspond to specific conditions, namely operation of flashers, operation of a brake, and the operation of both. In all of these scenarios, the lighting sequence is a continuously lit LED. In another

embodiment, described in column 12, lines 21-24, two multicolor LEDs are used along with a timer for continuously alternating colors in equal time intervals. The above claim language would distinguish over the combination of references because Robb does not show a lighting sequence with multiple time intervals where each time interval has a different illumination intensity or frequency or both. The lighting sequences in Robb disclose only continuous lighting throughout the sequence or, stated another way, a single mode of illumination either continuously on or pulsed at one frequency, and not consecutive different illumination modes initiated by any one particular state of the vehicle. Thus, the combination of references would differ from applicant's invention.

***Conclusion***

In view of the above amendments, it is submitted that all of the claims in the application patentably distinguish over the prior art of record. Reconsideration of the objections and an early Notice of Allowance are respectfully solicited.

Respectfully submitted,

**STEPHEN WEISS *et al.***

24 Sept 2004  
(Date)

By:

**JOHN JAMIESON**

Registration No. 29,546

**AKIN GUMP STRAUSS HAUER & FELD LLP**

One Commerce Square

2005 Market Street, Suite 2200

Philadelphia, PA 19103-7013

Telephone: 215-965-1200

**Direct Dial: 215-965-1310**

Facsimile: 215-965-1210

E-Mail: [jjamieson@akingump.com](mailto:jjamieson@akingump.com)

JJJ/JHC:nywp/krh

Enclosure